IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 17917 of 1999

Between:

The Mandal Praja Parishad Upper Primary School,

Udayapuram, Palasa, rep.by its School Committee Chairman,

Sri L.Venkata Rao, s/o.late Bairagi, r/o.Udayapuram, Palasa,

Srikakulam District.

..... PETITIONER

AND

1. The Commissioner and Director of School Education,

A.P., Saifabad, Hyderabad, rep.by its Secretary.

2. The District Collector, Srikakulam District, Srikakulam.

3. The District Educational Officer, Srikakulam District,

Srikakulam.

4. The Mandal Revenue Officer, Mandal Parishad,

Palasa, Srikakulam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, to declare the action of the respondents in not implementing the G.O.Rt.No.36, dated 8-1-1999 as arbitrary, illegal and improper and consequently direct the respondents to sanction the honorarium to the Vidya Volunteers who are

working in the M.P.U.P. School, Udayapuram, Palasa, Srikakulam District from the date of joining the duty forthwith.

Counsel for the Petitioner : MR.K.BHEEMA RAO

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

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O R D E R :

With a view to provide Education for all, Government introduced Vidya Volunteers Scheme. Under the said scheme, every School Committee constituted under Andhra Pradesh School Education (Community Participation) Act, 1998 was given permission to appoint Vidya Volunteers in the schools. These Vidya Volunteers were to work on honorary basis without any payment. Subsequently, various School Committees approached the Government to provide financial assistance to Vidya Volunteers to meet the contingencies and expenditure
at the rate of Rs.1,000/- per month for Primary Schools; at the rate of Rs.750/- per month per Vidya Volunteer possessing B.Ed. qualification; and at the rate of Rs.500/- per Vidya Volunteer possessing Intermediate and TTC qualifications for Upper Primary Schools. The Government considered the same and by G.O.Rt.No.36 Education (Prog.II) Department, dated 8-1-1999 agreed with the proposal. The Government visualized that an amount of Rs.15,97,42,000/- would be required to pay honorarium to the Vidya Volunteers for the months of December, 1998 to March, 1999. Therefore, Government while directing that an amount of Rs.2-10 Crores will be met from District Primary Education Programme Funds, ordered for release of Rs.13-57 Crores for being paid as honorarium.

It appears, that the petitioner herein appointed nine Vidya Volunteers in the first week of December, 1998, but they were approved by the District Collector on 7-1-1999. Therefore, the District Educational Officer, sanctioned payment of honorarium to the Vidya Volunteers from 7-1-1999 to 23-4-1999 for four (4) volunteers and for others from 16-3-1999 to 23-4-1999. The Chairman of the Mandal Praja Parishad Upper Primary School, therefore, filed the present writ petition

seeking a direction to the respondents to implement the Government orders passed in G.O.Rt.No.36, dated 8-1-1999.

A counter affidavit is filed by the third respondent opposing the writ petition. It is stated that unless and until the appointments made by the petitioner are approved by the District Collector, the Vidya Volunteers cannot be said to have been appointed under the scheme, and therefore, taking the date of approval into consideration, the amount of honorarium was paid to the Vidya Volunteers. No reply affidavit is filed denying the counter averments.

Admittedly, under the G.O., the amounts are to be paid to the Vidya Volunteers directly and not through the School Committees. Indeed, the School Committees were permitted to meet a part of the expenditure involved for paying honorarium to Vidya Volunteers. Be that as it is, the aggrieved Vidya Volunteers are not before this Court and curiously the School Committee, which is not given any benefit under the G.O. seeks to implement the Government Orders for payment of honorarium. At the instance of the School Committee this Court cannot exercise the power under Article 226 of the Constitution of India and issue directions as prayed for. If the Vidya Volunteers are aggrieved, they may make a representation to the District Collector for appropriate redressal.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S. RAO, J.)

Dt.18-08-2004.

Msr.

To

1. The Secretary, Commissioner and Director of School Education,

A.P., Saifabad, Hyderabad.

2. The District Collector, Srikakulam District, Srikakulam.

3. The District Educational Officer, Srikakulam Dist., Srikakulam.

4. The Mandal Revenue Officer, Mandal Parishad,

Palasa, Srikakulam District.

5. 2CCs to Government Pleader for School Education,

High Court of A.P., Hyderabad (OUT).

6. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.17917 of 1999

Dt.18-08-2004.

(Msr)